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Paper *3*

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

THALIA PAPAYANNOPOULOU
Junior Party
(U.S. Patent No. 5,843,438),

v.

BORIS MASINOVSKY, WILLIAM M. GALLATIN
PAUL J. SIMMONS
Senior Party
(U.S. Application No. 08/448,649).

Patent Interference No. 105,378 (MPT)
(Technology Center 1600)

1 **REDECLARATION - Bd. R. 203(c)**

2 Michael P. Tierney, *Administrative Patent Judge*.

3 An oral argument was held in this interference on August 24, 2006. A bench decision
4 *granted* Papayannopoulou Substantive Motion 1 (Paper No. 33), which requests that the Board
5 substitute proposed Count A for the current Count 1, the sole count in interference.

1 The Count

2 Pursuant to the bench decision granting Papayannopoulou Substantive Motion 1, the
3 interference is redeclared with new Count A, which reads as follows:

4 A method of peripherilizing CD34+ cells in vivo comprising the step of
5 administering an anti-VCAM-1 antibody which blocks the binding of VLA-4
6 antigen on the surface of the CD34+ cells to VCAM-1.

7 (Paper No. 33, p. 2).

8 Claim Correspondence

9 Papayannopoulou Substantive Motion 1 specifically provides that the claim
10 correspondence remains the same as that provided for in the Notice Declaring Interference (Paper
11 No. 1). (Paper No. 33, p. 12). As such, the parties claim correspondence for Count A is as
12 follows:

13 The claims of the parties are:

14 Masinovsky, U.S. Application 08/448,649: 30-33
15 Papayannopoulou, U.S. Patent 4,843,438: 1-14

16 The claims of the parties which correspond to Count 1 are:

17 Masinovsky, U.S. Application 08/448,649: 30, 32-33
18 Papayannopoulou, U.S. Patent 4,843,438: 1-14

19 The claims of the parties which do not correspond to Count 1, and therefore are not
20 involved in the interference, are:

21 Masinovsky, U.S. Application 08/448,649: 31
22 Papayannopoulou, U.S. Patent 4,843,438: None

Accorded Benefit

Papayannopoulou Substantive Motion 1 stipulates that Masinovsky remains entitled to its accorded benefit date of August 2, 1990, as well as the intervening Masinovsky filing date of April 21, 1993. (Paper No. 33, p. 13). As to Papayannopoulou's accorded benefit, the bench decision *granted* Papayannopoulou Substantive Motion 2, which requests that remain entitled to the November 13, 1992 benefit date, as well as the intervening PCT filing date of November 15, 1993, that were accorded in the Notice Declaring Interference. Accordingly, the parties' accorded benefit dates remain the same as set forth in the Notice Declaring Interference and are as follows:

Papayannopoulou Accorded Benefit: PCT/US93/11060, filed November 15, 1993
U.S. Application No. 07/977,702, filed November
13, 1992, now abandoned.

Masinovsky Accorded Benefit: U.S. Application No. 08/051,455 filed April 21, 1993, now abandoned.
U.S. Application No. 07/562,008, filed August 2, 1990, now U.S. Patent No. 5,206,345, issued April 27, 1993.

/ss/ Michael P. Tierney/) BOARD OF PATENT
MICHAEL P. TIERNEY) APPEALS AND
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